IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.7652/06

Rambabu Khandelwal

Versus

Rajendra Kumar Jain & Ors.

DATE OF ORDER :: 24/04/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. D.D. Khandelwal, for petitioner

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Instant petition has been filed assailing the orders passed by Rent Tribunal, Alwar dated 16th July, 2005 [Ann.1] and so also by Rent Appellate Tribunal, Alwar dated 3rd August, 2006 [Ann.2] whereby it was directed that rent of the premises will be increased in terms of Section 6 of Rajasthan Rent Control Act, 2001.

As per legal position applicable in the instant case, prior to amendment u/s.6(1)(a) rent was to be increased @7.5% per annum and according to counsel for petitioner, amendment was made whereby it was reduced to 5% substituted by Act No.1 of 2006.

Learned Tribunal on application filed u/s.6 of Act, 2001 considered to increase the rent of premises which the petitioner took on rent of Rs.360/- on 1st August, 1985.

It appears from the order impugned that the rent has been strictly increased in terms of Section 6 of Act, 2001 keeping into consideration the position of statute as applicable at the relevant point of time.

Submission made by the counsel for petitioner that once application was pending, has to be considered in accordance with amended provision, in my opinion, is of no substance for the reason that amendment was applicable prospectively and thus application was to be considered as per position of statute applicable at the relevant time and merely pendency of application will not make the amended provisions applicable.

I have gone through the order impugned which does not call for any interference.

Consequently, the writ petition fails and is hereby dismissed.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.